

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-13**

11 **ROSEANNE MULLANY**
12 4243 Comet Circle
Union City, CA 94587
13 **Registered Nurse License No. RN 391778**

A C C U S A T I O N

14 Respondent.

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16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 31, 1985, the Board of Registered Nursing issued Registered
23 Nurse License Number RN 391778 to Roseanne Mullany (Respondent). The Registered Nurse
24 License expired on October 31, 1986, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1
2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
8 licensee or to render a decision imposing discipline on the license.

9 6. Section 2761 of the Code states:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13 ...

14 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
15 against a health care professional license or certificate by another state or territory of the United
16 States, by any other government agency, or by another California health care professional
17 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
18 action.

19 ..."

20 7. Section 125.3 of the Code provides, in pertinent part, that the
21 Board/Registrar/Director may request the administrative law judge to direct a licensee found to
22 have committed a violation or violations of the licensing act to pay a sum not to exceed the
23 reasonable costs of the investigation and enforcement of the case.

24 CAUSE FOR DISCIPLINE

25 (Out of State Discipline)

26 8. Respondent is subject to disciplinary action under section 2761(a)(4) in that the State
27 of Arizona revoked Respondent's Arizona nursing license. The circumstances are as follows:

9. On or about March 4, 2011, In the Matter of the Disciplinary Action Against Registered License No. TRN085183 Issued To: Rose Ann Mullany, The Arizona State Board of Nursing revoked Respondent's Arizona registered nursing license. The circumstances leading to the revocation are as follows:

10. On or about November 29, 2010, The Arizona State Board of Nursing and Respondent entered into Consent Agreement No. 1008057 ("Consent Agreement"). The Consent agreement contained the following findings of fact.

a. On or about January 16, 2004, Respondent was arrested by the Phoenix Police Department and charged with one count of drug paraphernalia, an undesignated felony, in case number CR20046370001. On August 24, 2004, Respondent pled guilty and accepted a 3-year deferred probation, with terms and conditions.

b. On or about January 3, 2007, in the Superior Court of the State of Arizona, Maricopa County, in Case Number CR200400637001, the Court ordered the early termination of Respondent's probation after she completed all her requirements, including 120 hours of community service, fines paid in full, and her successful completion of a residential treatment program with Maverick House. The Court designated her August 24, 2004 offense as a misdemeanor.

c. On or about October 1, 2010, during an interview with Arizona Board staff, Respondent reported her sobriety date as February 28, 2005. A review of Respondent's medical records however reflected that she admitted relapsing on alcohol and cocaine on or about the end of March 2009.

11. Pursuant to the consent agreement Respondent's Arizona license was placed on probation with certain terms and conditions. On or about March 4, 2011, Respondent's Arizona license was subsequently revoked because she violated the terms and conditions of her probation by among other things, testing positive for cocaine.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1 1. Revoking or suspending Registered Nurse License Number RN 391778, issued to
2 Roseanne Mullany
- 3 2. Ordering Roseanne Mullany to pay the Board of Registered Nursing the reasonable
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions
5 Code section 125.3;
- 6 3. Taking such other and further action as deemed necessary and proper.

7
8
9 DATED:

July 8, 2011

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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